



Express Mail Label No. EV 125 6393 US

#3

Attorney Docket No. SDS-10002/28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sheldon D. Smith et al.

Attorney Docket No. SDS-10002/28

Serial No.: 10/054,310

Group Art Unit: 2681

Filing Date: January 22, 2002

For: ENERGY CONSERVATION SYSTEM

PETITION UNDER 37 CFR 1.47A

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

SEP 23 2002

OFFICE OF PETITIONS

Dear Sir:

The inventors of the above-identified application, Sheldon D. Smith, Harold B. Kennedy, and Donald Seefried, and assignee DBS Lodging Technologies, LLC, respectfully petition to have the above-identified application accepted absent the signature of a joint inventor, Shary Nassimi, who has refused to join in the application:

1. The above-identified application claims the benefit of U.S. Provisional Application 60/263,670 filed January 23, 2001.

2. Prior to January 23, 2001, the four joint inventors of the above-identified application, Sheldon D. Smith, Shary Nassimi, Harold B. Kennedy, and Donald Seefried, worked together to develop the instant invention. None of the four inventors had any obligation to assign their rights to any other entity.

3. All four joint inventors have duly assigned all their interests in the invention to DBS Lodging Technologies, Inc. The assignment is recorded at Reel/Frame 012699/0915 (Exhibit 1). In turn, DBS Lodging Technologies, Inc. has assigned their rights to DBS Lodging Technologies, LLC. The assignment is recorded at Reel/Frame 012860/0822 (Exhibit 2).

4. Thereafter, I, Avery N. Goldstein, an attorney for petitioners, caused the above-identified application to be filed and have attempted to obtain the consent and signature of Shary Nassimi.

5. Specifically, Shary Nassimi reviewed the application, commented on, and approved the filing thereof as evidenced by the attached email correspondence (Exhibit 3). Subsequent to application filing, a Declaration corresponding to the filed application was faxed to his home at (360) 887-8512 as evidenced by the attached confirmed receipt facsimile (Exhibit 4). I spoke with Mr. Nassimi at his work telephone number, (360) 254-1564 extension 102, on September 12, 2002. Mr. Nassimi indicated that he is unwilling to sign a Declaration for the application at this time.

6. The last known address for Mr. Shary Nassimi is:

**Mr. Shary Nassimi
NE 127th Avenue, 5913C
Vancouver, WA 98682**

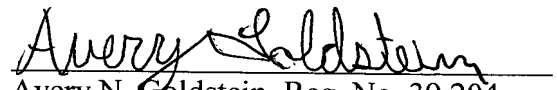
7. Attached herewith is a copy of the Declaration and Power of Attorney bearing the signatures of Sheldon D. Smith, Harold B. Kennedy, and Donald Seefried (Exhibit 5).

The signature for Shary Nassimi is blank as a result of their refusal to sign. Therefore, the Declaration should be treated as having been signed by all available inventors on behalf of the non-signing inventors. See MPEP 409.03A.

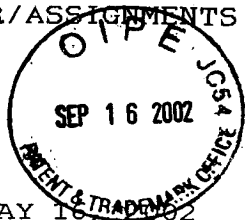
8. In view of the refusal of Shary Nassimi to join in the present application, inventors Smith, Kennedy and Seefried, and assignee DBS Lodging Technologies, LLC, are entitled to make such application on behalf of themselves and Nassimi pursuant to 37 CFR 1.71(h). It is submitted that the assignee, DBS Lodging Technologies, LLC will be irreparably harmed if the above referenced application goes abandoned due to the refusal of an inventor to duly execute a Declaration for the wholly assigned and recorded application. Therefore, in view of the above information and facts, the inventors and assignee respectfully request that this petition be granted.

Respectfully submitted,

Date: September 16, 2002


Avery N. Goldstein, Reg. No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward, Suite 400
Birmingham, MI 48009
(248) 647-6000

ANG/jk
Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 16 2002

PTAS

GIFFORD, KRASS, GROH, SPRINKLE ETAL
AVERY N. GOLDSTEIN
280 N. OLD WOODWARD AVENUE SUITE 400
BIRMINGHAM, MI 48009-5394

700013076A***700013076A***

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/16/2002

REEL/FRAME: 012699/0915
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMITH, SHELDON D.

DOC DATE: 01/25/2001

ASSIGNOR:

NASSIMI, SHARY

DOC DATE: 01/25/2001

ASSIGNOR:

KENNEDY, HAROLD B.

DOC DATE: 01/26/2001

ASSIGNOR:

SEEFRIED, DONALD

DOC DATE: 01/26/2001

ASSIGNEE:

DBS LODGING TECHNOLOGIES INC.
241 RIDGEMONT
GROSSE POINTE, MICHIGAN 48236

SERIAL NUMBER: 10054310

FILING DATE: 01/22/2002

PATENT NUMBER:

ISSUE DATE:

012699/0915 PAGE 2

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

SEP 16 2002

05/16/2002
700013076

Docket No.: SDS-10002/28

FORM PTO-1585 (Revised)
(Rev. 05-01)
OMB No. 0551-0027 (Patent & Trademark Office)
PDA/REV03

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

PATENTS ONLY

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Sheldon D. Smith
Shary Nassimi
Harold B. Kennedy
Donald SeefriedAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: DBS Lodging Technologies, Inc.Address: 241 RidgemontCity: Grosse PointeState/Prov.: MICountry: USZIP: 48236Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution Date: 1-25-01, 1-25-01, 1-26-01, 1-26-01

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

10/054,310

January 22, 2002

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Avery N. GoldsteinRegistration No. 39,204Address: Gifford, Krass, Grah, SprinkleAnderson & Citkowski, P.C.280 N. Old Woodward Avenue, Suite 400City: BirminghamState/Prov.: MICountry: USZIP: 48009-53946. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):.....\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

8. Deposit account number:

07-1180

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Avery N. Goldstein

Name of Person Signing

Avery N. Goldstein

Signature

May 16, 2002

Date

Total number of pages including cover sheet, attachments, and document: 3(Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231)

ASSIGNMENT


In consideration for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, we, **Sheldon D. Smith** of Grosse Pointe Farms, Michigan; **Shary Nassimi** of Vancouver, Washington; **Harold B. Kennedy** of Orange, California; and **Donald Seefried** of Palm Desert, California have invented **ENERGY CONSERVATION SYSTEM**, as disclosed in a provisional application filed by the law firm of Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., 280 N. Old Woodward Avenue, Suite 400, Birmingham, Michigan 48009-5394, to such provisional application (Atty. File No. SDS-10018/28), and all domestic and foreign applications thereto including continuations, divisionals, reexamination certificates and the like, and the right to receive any patents issuing thereon, to **DBS Lodging Technologies, Inc.**, having its principal place of business at 241 Ridgmont, Grosse Pointe, Michigan 48236.

We hereby agree to execute any and all papers, including confirmatory assignments and the like, necessary to perfect title to such assigned subject matter to DBS Lodging Technologies, Inc., at the expense of DBS Lodging Technologies, Inc.

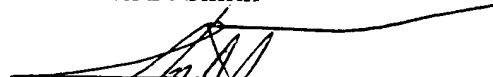
We hereby represent and warrant that we have not granted any rights inconsistent with the rights granted herein.

We hereby authorize our attorneys, Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., a firm composed of Ernest I. Gifford, P.O. Reg. No. 20,644; Allen M. Krass, P.O. Reg. No. 18,277; Irvin L. Groh, Reg. No. 17,505; Douglas W. Sprinkle, Reg. No. 27,394; Thomas E. Anderson, P.O. Reg. No. 31,318; Ronald W. Citkowski, P.O. Reg. No. 31,005; Judith M. Riley, Reg. No. 31,561; Douglas J. McEvoy, P.O. Reg. No. 34,385; Ellen S. Cogen, Reg. No. 38,109; Roberta J. Morris, P.O. Reg. No. 33,196; John G. Posa, P.O. Reg. No. 37,424; Avery N. Goldstein, P.O. Reg. No. 39,204; Douglas L. Wathen, P.O. Reg. No. 41,369; Mark D. Schneider, P.O. Reg. No. 43,906; and Elisabeth S. Sussex, P.O. Reg. No. 46,931, all members in good standing before the State Bar of Michigan, having their address at 280 N. Old Woodward Ave., Suite 400, Birmingham, Michigan 48009-5394, to here insert the filing date and serial number of the said application, as soon as it is known. Serial No. 60/263,670, filed January 23, 2001.

Date: 1-25-01


Sheldon D. Smith

Date: 1-25-01


Shary Nassimi

Date: _____

Harold B. Kennedy

Date: _____

Donald Seefried

ASSIGNMENT

In consideration for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, we, **Sheldon D. Smith** of Grosse Pointe Farms, Michigan; **Shary Nassimi** of Vancouver, Washington; **Harold B. Kennedy** of Orange, California; and **Donald Seefried** of Palm Desert, California have invented **ENERGY CONSERVATION SYSTEM**, as disclosed in a provisional application filed by the law firm of Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., 280 N. Old Woodward Avenue, Suite 400, Birmingham, Michigan 48009-5394, to such provisional application (Atty. File No. SDS-10018/28), and all domestic and foreign applications thereto including continuations, divisionals, reexamination certificates and the like, and the right to receive any patents issuing thereon, to **DBS Lodging Technologies, Inc.**, having its principal place of business at 241 Ridgemon, Grosse Pointe, Michigan 48236.

We hereby agree to execute any and all papers, including confirmatory assignments and the like, necessary to perfect title to such assigned subject matter to DBS Lodging Technologies, Inc., at the expense of DBS Lodging Technologies, Inc.

We hereby represent and warrant that we have not granted any rights inconsistent with the rights granted herein.

We hereby authorize our attorneys, Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., a firm composed of Ernest I. Gifford, P.O. Reg. No. 20,644; Allen M. Krass, P.O. Reg. No. 18,277; Irvin L. Groh, Reg. No. 17,505; Douglas W. Sprinkle, Reg. No. 27,394; Thomas E. Anderson, P.O. Reg. No. 31,318; Ronald W. Citkowski, P.O. Reg. No. 31,005; Judith M. Riley, Reg. No. 31,561; Douglas J. McEvoy, P.O. Reg. No. 34,385; Ellen S. Cogen, Reg. No. 38,109; Roberta J. Morris, P.O. Reg. No. 33,196; John G. Posa, P.O. Reg. No. 37,424; Avery N. Goldstein, P.O. Reg. No. 39,204; Douglas L. Wathen, P.O. Reg. No. 41,369; Mark D. Schneider, P.O. Reg. No. 43,906; and Elisabeth S. Sussex, P.O. Reg. No. 46,931, all members in good standing before the State Bar of Michigan, having their address at 280 N. Old Woodward Ave., Suite 400, Birmingham, Michigan 48009-5394, to here insert the filing date and serial number of the said application, as soon as it is known. Serial No. 60/263,670, filed January 23, 2001.

Date: _____

Sheldon D. Smith

Date: _____

Shary Nassimi

Date: 1-26-01

Harold B. Kennedy
Harold B. Kennedy

Date: 26 JAN 2001

Donald Seefried
Donald Seefried



JULY 09, 2002



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

PTAS
GIFFORD, KRASS, GROH, SPRINK, ANDERSON
AVERY N. GOLDSTEIN
280 N. OLD WOODWARD AVENUE
SUITE 400
BIRMINGHAM, MI 48009-5394

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700014666A

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/08/2002

REEL/FRAME: 012860/0822
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DBS LODGING TECHNOLOGIES, INC.

DOC DATE: 06/01/2002

ASSIGNEE:

DBS LODGING TECHNOLOGIES, LLC
241 RIDGEMONT
GROSSE POINTE, MICHIGAN 48236

SERIAL NUMBER: 10054310

FILING DATE: 01/22/2002
ISSUE DATE:

PATENT NUMBER:

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

07/08/2002
700014666

Docket No.: SDS-10002/28

FORM PTO-1596 (Modified)
(Rev. 02-01)
OMB No. 0851-0027 (exp. 5/31/2002)
PDB/REV03

SEP 16 2002

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

DBS Lodging Technologies, Inc.

Additional name(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: 6/1/02

2. Name and address of receiving party(ies):

Name: DBS Lodging Technologies, LLC

Address: 241 Ridgemoor

City: Grosse Pointe

State/Prov.: MI

Country: US

ZIP: 48236

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

10/054,310

January 22, 2002

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Avery N. Goldstein

Registration No. 39,204

Address: Gifford, Krass, Groh, Sprinkle

Anderson & Citkowski, P.C.

280 N. Old Woodward Avenue, Suite 400

City: Birmingham

State/Prov.: MI

Country: US

ZIP: 48009-5394

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

8. Deposit account number:

07-1180

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Avery N. Goldstein

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

2

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments

ASSIGNMENT

WHEREAS, **DBS Lodging Technologies, Inc.**, having its principal place of business at 241 Ridgemont, Grosse Pointe, Michigan 48236, is the owner of the invention **ENERGY CONSERVATION SYSTEM** of the said patent applications by way of an assignment, recorded in the Assignment Branch of the United State Patent Office on 05/16/2002, reel/frame: 012699/0915, and

WHEREAS, **DBS Lodging Technologies, L.L.C.**, a Michigan Limited Liability Company ID Number B87581, having its principal place of business at 241 Ridgemont, Grosse Pointe, Michigan 48236, desires to acquire the entire right, title and interest in and to said invention:

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, we, **DBS Lodging Technologies, Inc.**, by these presents do sell, assign and transfer unto said company, its successors and assigns, all right, title and interest in the United States of America and all foreign countries in and to said invention as described in the patent application known as, **Serial No. 60/263,670** filed January 23, 2001 executed by Sheldon D. Smith and Shary Nassimi on the 25 day of January, 2001, and Harold B. Kennedy and Donald Seefried on the 26 day of January, 2001, all inventors, and to any improvements on said invention heretofore or hereafter, and any division, continuation, renewal, or substitute thereof, of said application, and all Patents, United States and foreign, granted upon any such applications or for the inventions described therein, and any reissues or extensions of said Patents (including U.S. utility patent application Serial No. **10/054,310** filed 01/22/2002, and PCT application Serial No. **PCT/US02/01732** filed 01/23/2002); and we hereby authorize and request the Commissioner of Patents to issue all Patents on said United States applications to said company as assignee thereof.

FOR SAID CONSIDERATIONS, we hereby covenant and agree that we are the owner of the full title herein assigned and have the right to assign the same, and agree that we will communicate to said corporation or its representatives, any facts known to us respecting said invention or inventions and testify in any legal proceedings relating thereto when called upon, and will sign all instruments and documents and render such assistance which in the judgment of said corporation is necessary to vest in it and protect the legal title sought to be assigned.

DBS LODGING TECHNOLOGIES, INC.

Date: 6-1-02

By: 
Sheldon D. Smith

Title: President

Avery Goldstein

From: Shary Nassimi <iei@internationalelect.com>
To: Sheldon Smith <ssmith@entergize.net>
Cc: <agoldstein@patlaw.com>
Sent: Monday, January 22, 2001 2:07 PM
Subject: Re: SDS-10018/28

Dear Sheldon,
Reviewed the attachment. Have a couple of ideas;

- in the last part of the document, where is stated that the range is 70 feet... I think that it should not state a range, but verbiage such as "range is limited by controlling transmission power to minimize overlap".

- Also, I did not see much about "Coding" of the units, which establishes that rooms do not conflict with one another.

- In the beginning portions, there is verbiage about the benefits, and differences between this and the "Wired" types. I think it may also benefit to state the usage of microprocessors to make the units more flexible, programmable and usable for the customer.

everything else looks great!

----- Original Message -----

From: Sheldon Smith
To: Shary Nassimi
Sent: Monday, January 22, 2001 10:24 AM
Subject: Fw: SDS-10018/28

The attached file contains the draft of the patent application.

I would appreciate your reviewing the attached and giving your comments to Avery Goldstein, Ph. D. His number is - 1-248-647-6000.

I will also send you a letter latter today which documents our arrangement to sell you 5% of DBS for \$1.00.

Your assistance is appreciated

Sheldon

----- Original Message -----

From: Janice Kuehn
To: Sheldon D. Smith
Cc: Avery Goldstein ; Julie Greenberg
Sent: Friday, January 19, 2001 3:16 PM
Subject: Fw: SDS-10018/28

Mr. Smith, my apologies for sending without the attachment!

----- Original Message -----

From: Janice Kuehn
To: Sheldon D. Smith
Cc: Avery Goldstein ; Julie Greenberg
Sent: Friday, January 19, 2001 3:13 PM
Subject: SDS-10018/28

Dear Mr. Smith:

Attached is a draft of a provisional patent application for "Energy Conservation System" for your review. A formal letter is being mailed to you today along with a hard copy of the draft and the related drawings.

Once you have had a chance to review the documents, please contact Avery Goldstein or Julie Greenberg. Our office telephone number is: 248-647-6000.

Avery's e-mail address is: agoldstein@patlaw.com and

Julie's e-mail address is: jgreenberg@patlaw.com

Very truly yours,

Janice R. Kuehn

Legal Assistant to Avery N. Goldstein

Gifford, Krass et al.

1/22/01

MESSAGE CONFIRMATION

08/28/2002 14:38
ID=GIFFORD KRASS ET AL

DATE	S,R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
08/28	01'17"	3608878512	TX	005	OK 0000

08/28/2002 14:35 GIFFORD KRASS ET AL → 13608878512

NO.198 000

**GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 North Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009-5394**

**(248) 647-6000
FACSIMILE (248) 647-5210
agoldstein@patlaw.com**

FACSIMILE TRANSMISSION

Sender's Initials ang

TO: Shary Nassimi

FACSIMILE NO.: (360) 887-8512

FROM: Avery Goldstein

**GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 North Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009-5394**

**(248) 647-6000
FACSIMILE (248) 647-5210
agoldstein@patlaw.com**

FACSIMILE TRANSMISSION

Sender's Initials ang

TO: Shary Nassimi

FACSIMILE NO.: (360) 887-8512

FROM: Avery Goldstein

PAGES TRANSMITTED (INCLUDING COVER SHEET): 5

ORIGINAL DOCUMENTS WILL ☐ WILL NOT ☒ FOLLOW BY MAIL

RE: Patent Application Serial No. 10/054,310 ENERGY CONSERVATION SYSTEM

MESSAGE: Shary-

This application names you as an inventor. Please review and sign on page 3 of 4 if acceptable and return by fax or mail. If there is a problem with your signing, I would appreciate that you contact me at your earliest convenience.

Thank you in advance for your efforts.

Avery Goldstein

Information contained in this facsimile may be PRIVILEGED and CONFIDENTIAL. It is intended only for the use of the person or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is neither intended nor permissible. If this facsimile has been received in error, please notify us immediately (call collect) and return the facsimile to us.

Docket No.
SDS-10002/28

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
ENERGY CONSERVATION SYSTEM

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on January 22, 2002 as United States Application No. or PCT International Application Number 10/054,310 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/263,670	January 23, 2001
_____ (Application Serial No.)	_____ (Filing Date)

_____ (Application Serial No.)	_____ (Filing Date)
-----------------------------------	------------------------

_____ (Application Serial No.)	_____ (Filing Date)
-----------------------------------	------------------------

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
-----------------------------------	------------------------	---

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
-----------------------------------	------------------------	---

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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